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21 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

22 **SECURITIES AND EXCHANGE
COMMISSION,**

23 Plaintiff,

24 vs.

25 JAMMIN' JAVA CORP., dba MARLEY
COFFEE, SHANE G. WHITTLE,
WAYNE S. P. WEAVER, MICHAEL K.
SUN, RENE BERLINGER, STEPHEN B.
WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

26
27 Defendants.

28 Case No. 2:15-CV-08921

1 **JOINT REQUEST TO RESCHEDULE
SUMMARY JUDGMENT HEARING**

2 Hon. Stephen V. Wilson

3 Complaint Filed: Nov. 17, 2015

4 Current Summary Judgment Hearing

5 Date: May 8, 2017

6 Proposed Summary Judgment Hearing

7 Date: May 22, 2017

1 Plaintiff, the U.S. Securities and Exchange Commission (the “SEC” or
2 “Commission”) and Defendant Wayne Weaver (collectively, the “Parties”)
3 respectfully and jointly request that this Court enter an order rescheduling the
4 May 8, 2017 hearing on the SEC’s Motion for Summary Judgment (Dkt.
5 #171) to May 22. 2017. The SEC inadvertently selected May 8 as the hearing
6 date which is before the SEC’s Reply Brief is due. Rescheduling the hearing
7 for May 22 will allow the Parties and the Court to consider all relevant
8 pleadings before a hearing is held.

10 1. On November 17, 2015, the SEC filed a complaint against
11 Jammin Java, Corp. (“Jammin Java”) and nine individuals – including Defendant
12 Wayne Weaver – for violations of the federal securities laws in connection with (a)
13 an alleged fraudulent scheme to manipulate the price of Jammin Java’s common
14 stock and (b) the alleged unregistered sale of approximately 16 million shares of
15 Jammin Java stock to the public. (Dkt. #1.) On August 8, 2016, the SEC filed an
16 Amended Complaint against the same Defendants. (Dkt. #121.)

17 2. Defendants Jammin Java, Stephen Wheatley, Shane Whittle,
18 Alexander Hunter and Thomas Hunter have settled with the Commission and the
19 Court has entered Final Judgment against them. (Dkt. # 109, 110, 151,156, and
20 176.) In addition, the Commission has approved settlements with Defendants Rene
21 Berlinger, Michael Sun, Mohammed Al-Barwani, and Kevin Miller and a Motion
22 for Judgment as to those Defendants is currently pending. (Dkt. #178.) If the Court
23 enters judgments as to those Defendants, Wayne Weaver will be the only
24 Defendant remaining in this case.

25 3. On March 31, 2017, the SEC filed a Motion for Summary Judgment
26 against Defendant Weaver. (Dkt. #171.) Weaver responded on April 21, 2017.
27

1 (Dkt. #177.) Under the current scheduling order (Dkt. #163), the SEC's Reply
2 Brief will be due on May 11, 2017 (20 days after Weaver's response was filed).

3 4. When filing its motion, the SEC inadvertently selected a hearing date
4 before the reply brief is due: May 8, 2017. The Parties, therefore, jointly request
5 that the hearing date on the SEC's Motion be moved to May 22, 2017 so that the
6 Parties and the Court have the benefit of all of the relevant filings before the
7 hearing.

8 WHEREFORE, the SEC and Defendant Wayne Weaver respectfully and
9 jointly request that the hearing currently scheduled for May 8, 2017 be rescheduled
10 for May 22, 2017 at 1:30 pm.

11
12 Dated: May 2, 2017

Respectfully submitted,

13 /s/Timothy S. Leiman

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1 **CERTIFICATE OF SERVICE**

2 I, Timothy Leiman, hereby certify that – on May 2, 2017 – I have served the
3 forgoing document on all counsel of record in this proceeding by filing it with the
4 Court’s electronic filing system which automatically transmits a copy of the
5 documents to the email addresses of all counsel who have appeared in this action.

6 */s/Timothy S. Leiman*

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